

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

MARGARITA VILLAGRAN, §
§
Plaintiff, §
v. § CIVIL ACTION NO. H-05-2687
§
FREEWAY FORD, LTD., *et al.*, §
§
Defendants. §

MEMORANDUM AND ORDER

Defendant 6445 Southwest Freeway, Ltd. (“6445 Ltd.”) has moved for summary judgment in this suit alleging violations of the Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.* (Docket Entry No. 60). The plaintiff, Margarita Villagran, makes no specific allegations against 6445 Ltd. (Docket Entry No. 26). Villagran has not responded to the summary judgment motion.

6445 Ltd. asserts and presents summary judgment evidence that it is a limited partnership whose sole asset is the real property located at 6445 Southwest Freeway in Houston, Texas. 6445 Ltd. leases this property to defendant Freeway Ford, Ltd., which uses it to operate a Ford automotive dealership. 6445 Ltd. attaches to its summary judgment motion the affidavit of Stephen E. Prather, who is the president of defendant Stephen E. Prather, Inc. (Docket Entry No. 60, Ex. 1). Stephen E. Prather, Inc. is the general partner of 6445 Ltd. The affidavit states that 6445 Ltd.’s sole asset is the real property at 6445

Southwest Freeway. It also states that 6445 Ltd.'s only income and business are from the lease of the property to Freeway Ford.

The Fair Credit Reporting Act states that “[a]ny person who willfully fails to comply with any requirement imposed under this subchapter with respect to any consumer is liable to that consumer.” 15 U.S.C. § 1681n. The record does not contain any evidence that 6445 Ltd. engaged in any activities covered by the Fair Credit Reporting Act. The summary judgment motion is granted. The claims against 6445 Ltd. are dismissed, with prejudice.

SIGNED on February 13, 2007, at Houston, Texas.



Lee H. Rosenthal
United States District Judge